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LETTER DATED 23 AUGUST 1995 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the file containing the request formulated by the Government of Burundi with a view to the constitution of an international commission of judicial inquiry, as already transmitted to the Secretary-General of the United Nations on 18 August 1995.

On instructions from my Government, I confirm the necessity of postponing the vote on the draft resolution currently before the Security Council. This postponement is requested by reason of the extreme importance and sensitivity of the mission assigned to the international commission and in order to allow the Coalition Government the necessary time to scrutinize this draft resolution. The Government of Burundi will inform you promptly of its official position and any proposals that it may wish to make.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nsanze TERENCE
Ambassador
Permanent Representative

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Annex

Letter dated 18 August 1995 from the President and the Prime Minister of the Republic of Burundi addressed to the Secretary-General

On behalf of the people of Burundi, we express gratitude through you to the United Nations for the sympathy and attention that it extends to our country, particularly after the carrying out of the coup d'état of 21 October 1993.

We take this opportunity to annex hereto a statement of the motives and terms of reference for a request for the constitution of an international commission of judicial inquiry to determine responsibilities for the putsch of 21 October 1993 and for the various crimes of a political nature perpetrated since then in our country. The commission will also have to inform the political partners definitively whether the crimes committed can be characterized as genocide or not.

We await a favourable follow-up to this request. Accept, Sir, the assurances of our highest consideration.

For the Government of the Republic of Burundi:

(Signed) Sylvestre NTIBANTUNGGANYA
President of the Republic

(Signed) Antoine NDUWAYO
Prime Minister

Enclosure

International commission of judicial inquiry for Burundi

Statement of motives

The accredited political parties of Burundi concluded on 10 September 1994 an agreement entitled "Government Convention", article 36 of which states that "it is requested that recourse be had within 30 days to an international commission of judicial inquiry, composed of competent and neutral personalities to inquire into the putsch of 21 October 1993 and what the political partners have agreed to call genocide, without prejudice to the results of independent national and international inquiries, and into the various crimes of a political nature perpetrated since October 1993".

In implementation of this provision, the Government of Burundi requests an international judicial commission to carry out inquiries on:

1. The putsch of 21 October 1993;

2. The various crimes of a political nature perpetrated since October 1993;

3. Determination as to whether these crimes are of a genocidal character or not.

This commission will work in neutrality and impartiality, will have access to all elements of information emanating from all sources and will make its own conclusion concerning violations of international humanitarian law in general and possible acts of genocide in particular.